

b. I am familiar with Tim Lors' diabetes management. Tim uses an insulin pump, which is a very versatile method for managing insulin delivery. However, nothing can adequately accommodate unpredictable physical activity. The problem is that insulin is active in the body for several hours, and therefore the Type 1 diabetic must accurately predict the impact of food and physical activity for the next several hours when programming their injection amount. If the prediction is wrong, then the dosing is wrong, and injury occurs.

c. Some diabetics follow an incredibly rigid schedule, and manage to tightly control their blood sugars. Others are meticulous in their planning, and also manage to control their blood sugars fairly well. Mr. Lors has explained to me that while some days at work go as anticipated, many others do not. Consequently, his blood sugar goes outside the normal range periodically, and physical harm accumulates accordingly. The bottom line is that no known method of diabetes management can completely compensate for surprises in physical activity.

d. To the extent that Mr. Lors' job duties have become less predictable than they had been previously, his diabetic complications are attributable to his new varied job duties. The DCCT study showed that diabetic complications risk increases 40% when a diabetic's A1C level increases 10%. This approximately matches the increase in Mr. Lors' A1C levels since his job duties changed. I found no other plausible explanation for Mr. Lors' increased A1C levels.

e. Mr. Lors was diagnosed with Type 1 diabetes in late 1977. He has been under my medical care since 1996. He has been consistently attentive regarding his diabetes management. He is alert to the nuances of diabetes management. He has consistently exhibited a strong proclivity for keeping his blood sugars under control. I personally witnessed the negative affect of his demotion on his mood. In January 2005, his alarm over the long term ramifications of his change in job duties and the implications for his health and well being resulted in a stress reaction with acute heart attack symptoms underscored by prolonged severe chest pain.

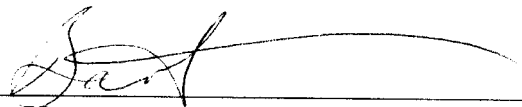
f. Mr. Lors struggles with a number of diabetes complications. He has experienced retinal bleeding twice, which was treated by Dr. Wischmeier with laser surgery. I personally cauterized his nose bleeds. His rectal bleeding continues to be a problem despite repeated treatments by Dr. Rolfsmeyer. Dr. Hurley has treated his colitis and anemia. Mr. Lors' muscle pain, back pain, and loss of stamina create challenges for him in the workplace. Mr. Lors also experiences foot pain and is losing feeling in his feet. This will present a problem in his current work position that could have been reasonably accommodated in his prior position.

2. The data or information considered by the undersigned in forming these opinions include the following:

- a. Mr. Lors' medical file
- b. My decade of medical examinations of Mr. Lors
- c. My decade of discussions with Mr. Lors
- d. Experience with other Diabetic patients
- e. DCCT and EDIC study findings
3. Qualifications of the witness:
 - a. M.D. graduate of University of Utah, 1976
 - b. Internship in Family Practice, San Bernardino Medical Center, 1977
 - c. General Practice of Medicine, 1978 - present
4. List of all publications authored by witness:
 - a. *Knowledge Coupling* (Co-Author), 1991
 - b. *Doctor, Please Close The Door*, 1992
 - c. *Disuse Atrophy, Your Brain, and Your Future* (pending publication)

5. Compensation: The undersigned is being compensated for services in preparing and submitting this written report at the rate of \$250 per hour. A total of approximately one hour has been expended in reviewing and evaluating all of the data and information furnished in connection with this report.

SIGNED on this 20th day of September, 2007.



Dr. Kenneth A. Bartholomew

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

SWORN TO and subscribed before me, the undersigned notary public in and for the above state and county, on this 21 day of September, 2007.



Notary Public

My Commission Expires:

4-14-10